**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**REGION IX**

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| IN THE MATTER OF:<br><br>Van Der Horst Corporation of America<br>496 Bauchet Street<br>Los Angeles, California<br><br>MARGARET F. JONES TRUST<br><br>MOELLER TRUST<br><br>VAN DER HORST CORPORATION OF AMERICA<br><br>RESPONDENTS | Order No. 92-04<br><br>ADMINISTRATIVE ORDER PURSUANT TO SECTION 106 OF THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980 as amended, 42 U.S.C. Section 9606(a) |

## I. PREAMBLE

This Administrative Order (Order) is issued on this date to the above-referenced Respondents, pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Section 9606(a), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499 (CERCLA), delegated to the Administrator of the United States Environmental Protection Agency (U.S. EPA) by Executive Order No. 12580, January 23, 1987, 52 Federal Register 2923, further delegated to the EPA Regional Administrators by U.S. EPA Delegation Nos. 14-14-A and 14-14-B, and further redelegated to the Director, Hazardous Waste Management Division, by Region IX Delegations 1290.41 and 1290.42.

The State of California has been notified of the issuance of

this Order as required by Section 106(a) of CERCLA, 42 U.S.C. Section 9606(a).

This Order requires the Respondents to undertake and complete removal activities to abate an imminent and substantial endangerment to the public health or welfare or the environment that may be presented by the actual or threatened release of hazardous substances from the above-referenced Site.

## II. FINDINGS OF FACT

Based on available information, including the Administrative Record in this matter, the U.S. EPA hereby finds:

1. Site Description/Location

Van Der Horst Corporation of America (VDH) conducted industrial chrome plating and honing of worn locomotive engine cylinders from approximately 1960 to 1987. Operations consisted of chrome plating using chromic acid solutions and electoplating techniques. In addition to chrome plating, a small amount of copper and iron plating was also performed at the facility.

In 1987, VDH ceased plating operations because of alleged financial difficulties. During 1987-1989, the company conducted limited clean-up operations pursuant to an order from the Los Angeles County Hazardous Materials Control Program.

In 1989 VDH discontinued all operations and abandoned the facility, leaving behind over 150 containers filled with wastes throughout the facility. The type of waste containers included 55 gallon poly and steel drums, plating vats, roll-off bins and waste water process tanks.

VDH conducted its operations at 496 Bauchet Street (the "Site" or "Facility"), Los Angeles, California. The property

consists of a two-story building and backyard across the street from the County of Los Angeles' main jail facility. A security fence surrounds the facility, but shows signs of being breached.

2. Site Characteristics

The Site is situated in an industrial and residential setting. Approximately 100 yards to the north of VDH is the Los Angeles County Jail Facility. The facility houses over 8,000 prisoners and employs over one thousand personnel. To the east of VDH lies the Rapid Transit District maintenance and terminal facility which employs several hundred people. Several autoyards and light industries lie to the west and south of the Site.

Little interior or exterior maintenance has been performed on the VDH building since its closure in the late 1980s. As a result, the roof of the building leaks and there is extensive water damage throughout the Facility.

3. Respondents

The current property owners of 496 Bauchet Street are the Margaret F. Jones Trust and the Moeller Trust. Mrs. Carolyn J. Boothe of South Pasadena, California, is the trustee of the Margaret F. Jones Trust, which has three beneficiaries, and Mr. Marshall Wilkinson of Patton Wilkinson Properties acts as the property manager of the subject property for the trustee. Ms. Joy Noble of Sanwa Bank in Pasadena, California, is the trustee of the Moeller Trust of which there are three beneficiaries.

In 1957, Harry Jones and George Moeller formed a partnership and purchased the property located at 496 Bauchet Street, Los Angeles. They constructed a two-story building and started a plating business called Spartan Engineer.

In 1960, Mr. Robert Scott of Larkspur, California purchased Spartan Engineer from Mr. Jones and Mr. Moeller and formed Van Der Horst Corporation of America (VDH). Mr. Jones and Mr. Moeller retained their ownership in the real property located at 496 Bauchet Street. Mr. Jones and Mr. Moeller leased to VDH the property at 496 Bauchet Street for VDH's plating operations. Mr. Robert G. Scott of Larkspur, California, was the Chief Executive Officer and President of VDH. VDH is no longer active at this Los Angeles location.

Mr. Jones placed his interest in the property at 496 Bauchet Street into a trust. The Margaret F. Jones trust was established on July 1, 1964. The trustee of the Margaret F. Jones Trust is Carolyn Boothe of South Pasadena, California. The Margaret F. Jones Trust has three beneficiaries.

Mr. Moeller placed his interest in the property at 496 Bauchet Street into a trust. The trustee of the Moeller Trust is Ms. Joy Noble of Sanwa Bank, California. The Moeller Trust was formed on May 28, 1975, and has three beneficiaries.

Van Der Horst Corporation of America, the Margaret F. Jones Trust, and the Moeller Trust, are jointly referred to herein as Respondents.

4. Incident/Release Characteristics

In 1986, the Los Angeles County Hazardous Materials Control Program (LACHMCP) issued VDH a Notice of Violation and Order to address on-site soil contamination on the eastern side of the property. VDH contracted Levine-Fricke to perform the required clean-up. Levine-Fricke conducted a limited number of soil borings but no remedial action was undertaken.

In March 1988, VDH contracted Sentinel Waste Management to conduct site clean-up operations. The purpose of the clean-up was to remove all hazardous waste and hazardous substances on-site. Sentinel performed limited clean-up actions and solidified several vats of liquid plating solutions. In November 1988, Sentinel ceased work at the facility after VDH allegedly failed to pay for work performed in the clean-up action.

In January 1990, an inspection by the LACHMCP revealed that VDH had left on-site over 150 containers filled with waste plating solution, filter cake and other hazardous substances. LACHMCP collected and analyzed several analytical samples. The analytical data revealed that several of the materials contained high concentrations of chrome (up to 126,000 mg/kg) and some solutions were highly acidic (pH < 1).

On November 8, 1991, the Site Evaluation Section of the Environmental Protection Agency, Region IX, notified the EPA Emergency Response Section (ERS) of the potential environmental hazards associated with the storage of hazardous substances and wastes at the VDH facility located at 496 Bauchet Street. Information provided to the Site Evaluation Section by LACHMCP indicated that the Facility contained several hundred containers containing highly acidic and toxic plating waste and substances. This information was based on several inspections conducted by LACHMCP. EPA's ERS decided that the information presented to it by the County warranted an EPA emergency response assessment.

5. Quantities and Types of Substances Present

On November 15, 1991, the U.S. EPA Emergency Response Section and EPA's Technical Assistance Team (TAT) conducted an as-

sessment of the site and prepared an inventory of drums, containers, tanks, vats, and sumps at the Site; identified their contents, and collected samples. During the assessment, EPA observed the following.

The back yard of the site contained three 15 yard roll-off boxes containing plating waste sludge, a waste water treatment facility containing several small tanks containing chromic acid waste, and one 5,000 gallon tank leaking a chromium solution. Several areas in the yard appear to be stained with chromium contamination. Chromium staining is also apparent along the foundation of the building and concrete pads. Sampling conducted by LACHMCP revealed that the plating sludge within the roll-off boxes contained elevated concentrations of chromium and lead.

Inside the Facility are approximately 24 large plating vats. The vats do not contain plating solution but contain small amounts of residual plating sludge. Two 10,000 gallon poly tanks containing chromic acid solutions are stored within the facility. The tanks are in poor condition and are losing their integrity. In addition, approximately 120 55-gallon drums are stored onsite. Several of these drums contain corrosive plating sludge with elevated concentrations of chromium. Other drums contain waste cutting oil, acid solutions, and caustics. Several reagent bottles remain in the Facility containing acid, small amounts of cyanides, and other poisons.

During the assessment, ERS and TAT collected seven samples for hazard categorization. The hazard categorization data revealed that the site contained corrosive liquids (pH < 2), oxidizing liquids, chromium waste, and combustible oils. In ad-

dition, three samples were collected and submitted under chain of custody for analytical analysis. (see Attachment A).

**Sample W** was taken from an on-site holding tank and the analysis revealed 170,000 mg/l chromium and a pH of less than 2.0.
**Sample X** was taken from a drum containing plating sludge and the analysis revealed 4,000 mg/kg chromium and 1,200 mg/kg lead. A duplicate of sample X (sample Y) was submitted for Quality Assurance and Control.
**Sample Z** was taken from a drum containing plating sludge and the analysis revealed 230,000 mg/kg chromium and 28,000 mg/kg lead.

6. Threats to Public Health and Welfare

The substances of concern on-site are chromic acid, nitric acid, sulfuric acid, hydrochloric acid, lead and chromium. Presently, none of the chemicals are being used and the chemicals have remained at the facility since plating operations ceased.

Chromic acid is corrosive to metals and human tissue, and can react with combustible materials and the heat produced by the reaction may be sufficient to ignite the combustible materials. A fire may produce irritating or poisonous gases.

Nitric acid is a corrosive material which can burn the skin, eyes and respiratory tract upon direct contact or inhalation of vapors. It can cause acute pulmonary edema or chronic pulmonary diseases from inhalation. When nitric acid is heated or reacts with water, it produces toxic and corrosive fumes.

Sulfuric acid is extremely hazardous to health and is corrosive to all body tissues. Inhalation of sulfuric acid vapor may cause serious lung damage. Contact with eyes may result in total loss of vision. Skin contact may produce severe necrosis.

Hydrochloric acid is a strong corrosive which can burn the skin, eyes and mucous membranes upon dermal contact. It is also

moderately irritating to the respiratory tract when inhaled. Hydrochloric acid produces toxic and corrosive fumes when exposed to water.

Lead ingestion is known to cause severe central nervous system damage, especially in young children. Chronic exposure to lead can cause kidney damage and blood disorders.

Chromium is a suspected Occupational Safety and Health Administration (OSHA) human carcinogen. Chronic exposure to chromate dust may cause bronchogenic carcinoma. Chromium is a poison and, when ingested, causes deleterious gastrointestinal effects.

7. Threats to the Environment

A fire at the facility could release potentially toxic and highly corrosive fumes that would adversely affect the local population and environment. Several containers on-site are losing their integrity as a result of corrosion.

There is a high potential for soil contamination beneath the plating shop building due to apparent breaches in the subfloor containment. It also appears that plating solutions have been migrating through the concrete wall for many years. Contaminant migration to underlying soils may be extensive.

A potential threat to surface waters exists due to the leakage of hazardous substances into the underlying soils from the facility. Contaminants could migrate or leach through cracks, fissures and unsealed joints and ultimately contaminate surface waters located beyond the immediate vicinity.

## III. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the U.S. EPA has

concluded as follows:

1. The Van Der Horst Corporation of America Site, located at 496 Bauchet Street, Los Angeles, California is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. Section 9601(9).

2. Each named Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. Section 9601(21).

3. Respondent Van Der Horst Corporation of America, the former "operator" of the Site at the time of disposal, as defined by Section 101(20) of CERCLA, 42 U.S.C. Section 9601(20). Accordingly said Respondent is a liable person under Section 107(a) of CERCLA, 42 U.S.C. Section 9607(a).

4. The Margaret F. Jones Trust, and the Moeller Trust, are current "owners" of the Site, as defined by Section 101(20) of CERCLA, 42 U.S.C. Section 9601(20). Accordingly, said Respondents are liable persons under Section 107(a) of CERCLA, 42 U.S.C. Section 9607(a).

5. Chromic acid, nitric acid, sulfuric acid, hydrochloric acid, lead and chromium are "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), and 40 C.F.R. Part 302.4.

6. The presence of chromic acid, nitric acid, sulfuric acid, hydrochloric acid, lead and chromium at the above-referenced Site, and the potential for those substances to migrate, constitutes an actual or threatened "release" of hazardous substances into the environment, as defined by Section 101(22) of CERCLA, 42 U.S.C. Section 9601(22).

## IV. DETERMINATIONS

Based on the Findings of Fact and Conclusions of Law stated

above, the Director, Hazardous Waste Management Division, EPA Region IX, has made the following determinations:

1. The actual or threatened release of hazardous substances from the Facility presents an imminent and substantial endangerment to the public health or welfare or the environment.

2. The actions required by this Order, if properly performed are consistent with the National Contingency Plan (NCP), 40 CFR Part 300, and CERCLA, and are appropriate to protect the public health or welfare or the environment.

3. The conditions present at the Site constitute a threat to public health or welfare or the environment based upon consideration of the factors set forth in the NCP at 40 CFR section 300.415(b). These factors include, but are not limited to the following:

a. Actual or potential exposure to hazardous substances by nearby populations, animals, or food chain;

This factor is present at the Site because there exists a serious threat of an uncontrolled reaction between highly incompatible and acutely toxic chemicals. Large quantities of acid solutions and plating sludge lie in close proximity to each other. There is a significant risk of a release due to failure of the tanks and drums as a result of corrosion. The mixing of acids and other on-site chemicals in a spill would result in a release of toxic and corrosive gases that would cause a lethal release in a densely populated area. There is a potential for this type of release during a major earthquake.

Plating solutions and sludges have the potential for migration through cracks and fissures at the facility and potentially

expose trespassers to heavy metal contamination.

b. Actual or potential contamination of drinking water supplies;

This factor is present at the Site because of the existence of heavy metal and acid contamination which exists in surface soils. It is suspected that there is significant soil contamination beneath the plating shop. The extent and magnitude of soil contamination is not yet known. There are drinking water wells located within one mile of the facility. Therefore, there is a high potential for these wells to become adversely impacted by heavy metals leaching into the aquifer.

c. Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers that may pose a threat of release;

This factor is present at the Site because many drums, vats and containers on-site are slowly losing their integrity as a result of corrosion. Several drums containing reactive and acutely toxic substances are so corroded that failure is imminent. The hazardous substances contained in the drums are strong heavy metal acid sludges. The heat of the reaction when acids combine with combustible material can cause a fire, and a subsequent toxic gas release.

Drums, roll-off boxes, containers and vats inside the plating shop are in an unstable configuration and in deteriorating condition. Large quantities of acid and metal sludges are very close together.

d. High levels of hazardous substances or pollutants or contaminants in soils at or near the surface that may migrate;

This factor is present at the Site because of the existence of heavy metals and acid stained soil detected at the facility. Soil staining observed by the On-Scene Coordinator suggests that there is a high potential for extensive soil contamination at the facility. Hazardous substances may migrate due to rainwater runoff, wind erosion or chemical leaching.

e. Threat of fire or explosion;

This factor is present at the Site because of the non-segregation of acids and bases, oxidizers and/or reactive chemicals from the flammable/combustible materials.

f. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or release;

This factor is present at the Site because the building's roof is damaged and allows rain water to enter the building, which could potentially react and/or transport contaminates.

## V. ORDER

Based upon the foregoing Findings of Fact, Conclusions of Law, and Determinations, and pursuant to Section 106(a) of CERCLA, 42 U.S.C. Section 9606(a), it is hereby Ordered that Respondents undertake the following actions with regard to the Site, under the direction of EPA's On-Scene Coordinator:

1. Within two (2) calendar days of receipt of this Order, the Respondents shall provide twenty-four (24) hour security at the Site which meets with U.S. EPA approval. The Respondents shall restrict access to the Site and shall not allow any materials, equipment or any other item to be removed from the Site without prior U.S. EPA approval.

2. Except where this Order specifically provides otherwise, such

as the requirement to provide twenty-four (24) hour Site security, this Order shall be effective five (5) calendar days following issuance unless a conference is requested as provided herein. If a conference is requested, this Order shall be effective on the first (1st) calendar day following the day of the conference unless modified in writing by U.S. EPA.

3. On or before two (2) calendar days after the effective date of this Order, Respondents shall provide notice, verbally or in writing, to U.S. EPA stating their intention to comply with the terms of this Order. Verbal notification must be followed in writing within two (2) calendar days.

Such written or verbal notice shall be provided to the On-Scene Coordinator at the following address:

Robert E. Bornstein, On-Scene Coordinator
Emergency Response Section (H-8-3)
U.S. EPA Region IX
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-2298

In the event any Respondent fails to provide such notice, that Respondent shall be deemed not to have complied with the terms of this Order.

4. Respondents shall retain a certified environmental contractor qualified to undertake and complete the requirements of this Order, and shall notify the U.S. EPA of the name of such contractor, within five (5) calendar days after the effective date of this Order. U.S. EPA retains the right to disapprove of any, or all, of the contractors and/or subcontractors retained by the Respondents. In the event U.S. EPA disapproves of a selected contractor, Respondents shall retain a different contractor to

perform the Ordered work within two (2) calendar days following U.S. EPA's disapproval.

5. Within ten (10) calendar days after the effective date of this Order, the Respondents shall submit a Site stabilization plan to the On-Scene Coordinator for U.S. EPA approval. Upon approval of the plan, Respondents shall begin implementation of Site stabilization activities within five (5) calendar days. The immediate Site stabilization activities required consist of recontainerizing those hazardous substances in the drums, roll-off boxes and tanks that have been identified by U.S. EPA to be in poor condition.

6. Within twenty-five (25) calendar days after the effective date of this Order, the Respondents shall submit to U.S. EPA for approval, a Work Plan for the remaining removal activities ordered as set forth in Paragraph 8 below. The Work Plan shall provide a concise description of the activities to be conducted to comply with the requirements of this Order, and shall include a proposed schedule for implementing and completing the activities. The Work Plan shall be reviewed by U.S. EPA, which may approve, disapprove, require revisions, or modify the Work Plan. Respondents shall implement the Work Plan as finally approved by U.S. EPA. Once approved, the Work Plan shall be deemed to be incorporated into and made a fully enforceable part of this Order.

7. The Work Plan shall contain a Site Health and Safety Plan, a sampling and analysis plan, and a schedule of work to be performed. The Site Health and Safety Plan shall be prepared in accordance with EPA's Standard Operating Safety Guide, dated November 1984, and updated July 1988, and with the Occupational

Safety and Health Administration (OSHA) regulations contained in 29 CFR Part 120. The Work Plan and other submitted documents shall demonstrate that the Respondents can properly conduct the actions required by this Order.

8. Within five (5) calendar days after U.S. EPA approval of the Work Plan, Respondents shall implement the Work Plan as approved or modified by U.S. EPA. Failure of the Respondents to properly implement all aspects of the Work Plan shall be deemed to be a violation of the terms of this Order.

The Work Plan shall require the Respondents to perform and complete within ninety (90) calendar days after approval, at a minimum, the following removal activities:

a. Provide 24-hr security during removal operations.

b. Sample and characterize all containerized materials.

c. Perform air monitoring and sampling in accordance with OSHA requirements during all phases of the removal action, whenever there is a potential for airborne releases of toxic air contaminants. Operational controls such as dust containment and/or suppression should be used to abate fugitive dust emissions.

d. Prepare all hazardous substances for proper transportation for disposal, or where feasible, alternative treatment or reuse/recycle options. The above may include bulking of compatibles, direct shipment for reuse, recontainerization of materials into Department of Transportation specification containers, lab packing small quantities, solidification of liquid wastes, and neutralization or other on-site treatment of wastes.

e. Remove grossly contaminated equipment, any structures

other than the building such as concrete pads and venting hoods, and debris for proper disposal.

f. Conduct surface and subsurface soil sampling to characterize the nature and extent of contamination.

g. Properly dispose of or stabilize contaminated soils based on the soil sampling characterization as determined by EPA.

9. Respondents shall provide U.S. EPA with written weekly summary reports. These reports shall contain a summary of the previous week's activities and planned upcoming events.

10. EPA shall be informed at least forty-eight (48) hours prior to any on-Site work.

11. All sampling and analysis shall be consistent with the "Removal Program Quality Assurance/Quality Control Interim Guidance: Sampling, QA/QC Plan and Data Validation," EPA OSWER Directive 9360.4-01, February 2, 1989.

12. Any materials containing hazardous substances, pollutants, or contaminants removed pursuant to this Order shall be disposed of or treated at a facility approved by the On-Scene Coordinator, and in accordance with the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. Section 9601, et seq., as amended, the U.S. EPA Revised Off-Site Policy, OSWER Directive 9834.11, November 13, 1987, and all other applicable Federal, State, and local requirements.

13. Within five (5) days of the effective date of this Order, the Respondents shall designate a Project Coordinator. To the greatest extent possible, the Project Coordinator shall be present on-Site, or be otherwise readily available, during the performance of response activities at the Site.

14. The U.S. EPA has designated Robert E. Bornstein as its On-Scene Coordinator (OSC). The On-Scene Coordinator, and the Project Coordinator, if one is designated, shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, and unless otherwise specified in this Order, communication between the Respondents and the U.S. EPA, and all documents, reports, approvals, and correspondence concerning the activities relevant to this Order, shall be directed through the On-Scene Coordinator and the Project Coordinator.

15. The U.S. EPA and the Respondents shall each have the right to change their respective designated On-Scene Coordinator or Project Coordinator. U.S. EPA shall notify the Respondents, and Respondents shall notify U.S. EPA, as early as possible before such a change is made, but in no case less than 24 hours before such a change. Notification may initially be verbal, but shall promptly be reduced to writing and mailed to U.S EPA pursuant to Section 25 of this Order.

16. The U.S. EPA On-Scene Coordinator shall have the authority vested in an On-Scene Coordinator by the NCP, 40 CFR Part 300, as amended, including the authority to halt, conduct, or direct any work required by this Order, and to direct any other response action to be undertaken by the U.S. EPA or the Respondents at the Facility.

17. No extensions to the above timeframes shall be granted without sufficient cause. All extensions must be requested, in writing, and shall not be deemed accepted unless approved, in writing, by U.S. EPA.

18. All instructions given by the U.S. EPA On-Scene Coordinator

or his designated alternate shall be binding upon the Respondents as long as those instructions are consistent with the National Contingency Plan.

19. To the extent that the Site or other areas where work under this Order is to be performed is owned by or in possession of, someone other than the Respondents, Respondents shall obtain all necessary access agreements. In the event that after using their best efforts Respondents are unable to obtain such agreements, Respondents shall immediately notify U.S. EPA.

20. The Respondents shall provide access to the Site to U.S. EPA employees, contractors, agents, and consultants at reasonable times, and shall permit such persons to be present and move freely in the area in order to conduct inspections, including taking photographs and videotapes of the Facility, to do cleanup/stabilization work, to take samples to monitor the work under this Order, and to conduct other activities which the U.S. EPA deems necessary.

21. Nothing contained herein shall be construed to prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Order, or from taking other legal or equitable action as it deems appropriate and necessary, or from requiring the Respondents in the future to perform additional response activities pursuant to CERCLA, 42 U.S.C. Section 9601, et seq., or any other applicable law.

22. The provisions of this Order and the directions of the On-Scene Coordinator shall be binding on the employees, agents, successors, and assigns of the Respondents.

23. Respondents shall retain copies of all records and files

relating to hazardous substances found on the Site for six (6) years following completion of the activities required by this Order and shall make them available to the U.S. EPA prior to the termination of the removal activities under this Order.

24. The Respondents shall submit a final report summarizing the actions taken to comply with this Order. The report shall contain, at a minimum: identification of the Site; a description of the locations and types of hazardous substances encountered at the Site upon the initiation of work performed under this Order; a chronology and description of the actions performed (including both the organization and implementation of response activities); a listing of the resources committed to perform the work under this Order (including financial, personnel, mechanical and technological resources); identification of all items that affected the actions performed under the Order and a discussion of how all problems were resolved; a listing of quantities and types of materials removed from the Site, a discussion of removal and disposal options considered for any such materials, a listing of the ultimate destination of those materials, and a presentation of the analytical results of all sampling and analyses performed and accompanying appendices containing all relevant paperwork accrued during the action (e.g., manifests, invoices, bills, contracts, permits).

The final report shall include an affidavit from a person who supervised or directed the preparation of that report. The affidavit shall certify under penalty of law that based on personal knowledge and appropriate inquiries of all other persons involved in the preparation of the report, the information sub-

mitted is true, accurate, and complete to the best of the affiant's knowledge and belief. The report shall be submitted to U.S. EPA within thirty (30) calendar days of completion of the work required by U.S. EPA.

25. All notices, reports, and requests for extensions submitted under terms of this Order shall be sent by certified mail, return receipt requested, and addressed to the following:

one copy — Robert E. Bornstein, On-Scene Coordinator
Emergency Response Section (H-8-3)
U.S. EPA Region IX
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-2298

one copy — Jeannie Cervera, Assistant Regional Counsel
Office of Regional Counsel (RC-3-1)
U.S. EPA Region IX
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-1351

26. If any provision of this Order is deemed invalid or unenforceable, the balance of this Order shall remain in full force and effect.

## VI. COMPLIANCE WITH OTHER LAWS

The Respondents shall comply with all applicable federal, state and local laws and regulations in carrying out the terms of this Order. As indicated above, all hazardous substances removed from the Site must be handled in accordance with the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Section 6921, et seq., the regulations promulgated under that Act, and Section 121(d)(3) of CERCLA, 42 U.S.C. Section 9621(d)(3).

## VII. ENDANGERMENT DURING IMPLEMENTATION

The Director, Hazardous Waste Management Division, EPA

Region 9, may determine that acts or circumstances (whether related to or unrelated to this Order) may endanger human health, welfare or the environment, and as a result of this determination, may order the Respondents to stop further implementation of this Order until the endangerment is abated.

## VIII. GOVERNMENT NOT LIABLE

The United States Government and its employees and other representatives shall not be liable for any injuries or damages to persons or property resulting from the acts or omissions of the Respondents, their employees, contractors, or other representatives caused by carrying out this Order. For the purposes of this Order, the United States Government is not a party to any contract with the Respondents.

## IX. ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting selection of the response action, will be available for review on normal business days between the hours of 9:00 a.m. and 5:00 p.m., in the Office of Regional Counsel, United States Environmental Protection Agency, Region IX, 75 Hawthorne Street, 16th Floor, San Francisco, California 94105. Please contact Jeannie Cervera, Assistant Regional Counsel at (415) 744-1351 to review the Administrative Record upon completion. An index of the Administrative Record is attached hereto.

## X. OPPORTUNITY TO CONFER

With respect to the actions required above, the Respondents may, within two (2) calendar days of receipt of this Order, request a conference with the U.S. EPA. Any such conference shall be held within seven (7) calendar days from the date of the

Respondents' request, unless extended by mutual agreement of the parties. At any conference held pursuant to the request, Respondents may appear in person, or be represented by an attorney or other representative. If any Respondent desires such a conference, Respondents shall contact Jeannie Cervera, Assistant Regional Counsel, at (415) 744-1351.

If such a conference is held, Respondents may present any evidence, arguments, or comments regarding this Order, its applicability, any factual determinations upon which the Order is based, the appropriateness of any action which Respondents are ordered to take, or any other relevant and material issue. Any such evidence, arguments, comments, or objections should be reduced to writing and submitted to the U.S. EPA within five (5) calendar days following the scheduled conference.

If no conference is requested, any such evidence, arguments, or comments must be submitted in writing within five (5) calendar days following receipt of this Order. Any such writing should be directed to the Assistant Regional Counsel at the address cited above.

Respondents are hereby placed on notice that U.S. EPA will take any action which may be necessary in the discretion of U.S. EPA for the protection of public health and welfare and the environment, and Respondents may be liable under Section 107(a) of CERCLA, 42 U.S.C. Section 9607(a), for all costs associated with these government actions.

## XI. PENALTIES FOR NONCOMPLIANCE

Respondents are advised that pursuant to Section 106(b) of CERCLA, 42 U.S.C. Section 9606(b), a willful violation or failure

or refusal to comply with this Order may subject the Respondents to a civil penalty of up to $25,000 per day for each day in which the violation occurs or failure to comply continues. Failure to comply with this Order, or any portion thereof, without sufficient cause may also subject the Respondents to liability for punitive damages of up to three times the total cost incurred by the United States as a result of the Respondents' failure to take proper response action with regard to the Site, pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. Section 9607(c)(3).

THIS ORDER IS ISSUED ON THIS 2nd DAY OF December 1991.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: _____
Jeff Zelikson, Director
Hazardous Waste Management Division
United States Environmental Protection Agency
Region IX

Attachment

cc: Robert Bornstein
United States Environmental Protection Agency
Emergency Response Section (H-8-3)
75 Hawthorne Street
San Francisco, CA 94105

Brent Maier
United States Environmental Protection Agency
Emergency Response Section Enforcement Programs (H-8-3)
75 Hawthorne Street
San Francisco, CA 94105

Jeannie Cervera
United States Environmental Protection Agency
Office of Regional Counsel (RC-3-1)
75 Hawthorne Street
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Bill Block
United States Environmental Protection Agency
Emergency Response Section Enforcement Programs (H-8-3)
75 Hawthorne Street
San Francisco, CA 94105

Ms. Kim Anderson
Hazardous Materials Specialist II
County of Los Angeles
Hazardous Materials Control Program
2615 South Grand Avenue
Room 601
Los Angeles, CA 90007

Glenn H. Forman
Hazardous Materials Specialist
State of California
Department of Health Services
Toxic Substances Control Program/Region 3
1405 N. San Fernando Boulevard, No. 300
Burbank, CA 91504

ATTACHMENT A

Curtis & Tompkins, Ltd., Analytical Laboratories, Since 1878
1250 S. Boyle Ave., Los Angeles, CA 90023. Phone (213) 269-7421. Fax (213) 268-5328

ECOLOGY & ENVIRONMENT
717 WEST TEMPLE STREET
SUITE 2
LOS ANGELES, CA 90012
ATTN: LEN MARCUS

PAGE 1 OF 4
DATE RECEIVED: 11/15/91
DATE REPORTED: 11/19/91

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LAB NUMBER: 203158

PROJECT ID: SUBMITTED BY CLIENT

REPORT ON: THREE SOLID SAMPLES AND ONE WASTE SAMPLE ANALYZED AS SPECIFIED ON ATTACHED CHAIN OF CUSTODY

LOCATION: VAN DER HORST, LOS ANGELES, CALIFORNIA

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Reviewed By: _____ _____

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LABORATORY NUMBER: 203158
CLIENT: ECOLOGY & ENVIRONMENT

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DATE SAMPLED: 11/15/91
DATE ANALYZED: SEE BELOW

## CHROMIUM

MATRIX: SOLID/WASTE
METHOD: EPA 6010

| LAB ID | SAMPLE ID | RESULT (mg/Kg) | DATE ANALYZED | QC BATCH |
|---|---|---|---|---|
| 1 | W, TANK (POLY) | 170,000 | 11/18 | A |
| 2 | X, DRUM 118 | 4,000 | 11/18 | A |
| 3 | Y, DRUM 118 | 4,400 | 11/18 | A |
| 4 | Z, DRUM 110 | 230,000 | 11/18 | A |

DETECTION LIMIT: 10

## QUALITY CONTROL SUMMARY

| | QC BATCH | LCS % RECOVERY | RPD |
|---|---|---|---|
| SPIKE/SPIKE DUPLICATE RECOVERY DATA: | A | 100 | 4 |

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## LEAD

MATRIX: SOLID/WASTE
METHOD: EPA 6010

| LAB ID | SAMPLE ID | RESULT (mg/Kg) | DATE ANALYZED | QC BATCH |
|---|---|---|---|---|
| 2 | X, DRUM 118 | 1,200 | 11/18 | A |
| 3 | Y, DRUM 118 | 1,200 | 11/18 | A |
| 4 | Z, DRUM 110 | 28,000 | 11/18 | A |

DETECTION LIMIT: 200

## QUALITY CONTROL SUMMARY

| | QC BATCH | LCS % RECOVERY | RPD |
|---|---|---|---|
| SPIKE/SPIKE DUPLICATE RECOVERY DATA: | A | 102 | 2 |

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LABORATORY NUMBER: 203158
CLIENT: ECOLOGY & ENVIRONMENT

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DATE SAMPLED: 11/15/91
DATE ANALYZED: SEE BELOW

## pH

MATRIX: SOLID/WASTE
METHOD: EPA 9045

| LAB ID | SAMPLE ID | RESULT (pH) | DATE ANALYZED | QC BATCH |
|---|---|---|---|---|
| 1 | W, TANK (POLY) | <2* | 11/15 | A |
| 2 | X, DRUM 118 | 10 | 11/15 | A |
| 3 | Y, DRUM 118 | 10 | 11/15 | A |
| 4 | Z, DRUM 110 | 3.0 | 11/15 | A |

* SAMPLE RESULT BELOW LOWEST AVABILABLE BUFFER SOLUTION. THE SAMPLE HAD A pH OF 2.2 WHEN DILUTED WITH DEIONIZED WATER TO 0.4% OF ITS ORIGINAL STATE.

### QUALITY CONTROL SUMMARY

| | BATCH | SAMPLE RESULT | DUPLICATE RESULT | RPD |
|---|---|---|---|---|
| SAMPLE/SAMPLE DUPLICATE DATA: | A | 2.95 | 2.94 | <1 |

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## ABBREVIATIONS

BTEX - Benzene, Toluene, Ethyl Benzene, and Total Xylenes.

CCR - California Code of Regulations.

DHS - California Department of Health Services.

EPA - United States Environmental Protection Agency.

LCS - Laboratory Control Spike

LUFT - Leaking Underground Fuel Tank.

MDL - Method Detection Limit

NA - Not Applicable.

NC - Not Calculable

ND - Not Detected at or above the defined detection limit.

PQL - Practical Quantitation Limit

RPD - Relative percent difference.

STLC - Soluble Threshold Limit Concentration.

Surr. - Surrogates.

TCLP - Toxicity Characteristic Leaching Procedure.

TEH - Total Extractable Petroleum Hydrocarbons.

Title 26 - Title 26 of the California Code of Regulations (CCR).

TR - Trace

TTLC - Total Threshold Limit Concentration.

TVH - Total Volatile Hydrocarbons.

WET - Waste Extraction Test.

## UNITS

cm3 - Cubic centimeter
Kg - kilogram.
L - Liter.
mg - Milligrams.
M3 - Cubic meter.

umhos/cm - uS/cm - Micro Siemens/centimeter
ppb - Parts Per Billion.
ppm - Parts per Million.
ug - Micrograms.

215 Fremont Street
San Francisco, California 9

# CHAIN OF CUSTODY RECORD

203158

| PROJ. NO. | PROJECT NAME |
|---|---|
| | VAN DER HORST, 496 RACHEL ST, LA, CA |

SAMPLERS: (Signature) JONY TALAMANTEZ / for BEN MARCUS

| STA. NO. | DATE | TIME | COMP. | GRAB | STATION LOCATION | NO. OF CONTAINERS | PH | OXIDIZER | TOTAL CHROMIUM | TOTAL LEAD | MS/MSD | REMARKS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| W | 11-15-91 | 2:15 PM | | X | TANK (poly) See map | 1x1602 | X | X | X | | X | SUSPECT LOW PH, POSSIBLE CHROMIC ACID |
| X | 11-15-91 | 1425 | | X | DRUM 118 | 1x1602 | X | | X | X | | SUSPECT HIGH PH, HIGH CHROMIUM + LEAD |
| Y | 11-15-91 | 1430 | | X | DRUM 118 | 1x1602 | X | | X | X | | SUSPECT HIGH PH, HIGH CHROMIUM + LEAD |
| Z | 11-15-91 | 1445 | | X | DRUM 110 | 1x1602 | X | | X | X | | SUSPECT HIGH CHROMIUM CONTENT |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | * CONCENTRATED CHROMIC ACID |
| | | | | | | | | | | | | * PLATING SHOP SLUDGE |
| | | | | | | | | | | | | |
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| Relinquished by: (Signature) | Date / Time | Received by: (Signature) | Relinquished by: (Signature) | Date / Time | Received by: (Signature) |
|---|---|---|---|---|---|
| for Marcus | 11/15/91 1515 | | | | |
| Relinquished by: (Signature) | Date / Time | Received by: (Signature) | Relinquished by: (Signature) | Date / Time | Received by: (Signature) |
| | | | | | |
| Relinquished by: (Signature) | Date / Time | Received for Laboratory by: (Signature) | Date / Time | Remarks | |
| | | O'Brien | 11/15/91 1515 | results by 11/19!! | |

Distribution: Original Accompanies Shipment; Copy to Coordinator Field Files

9 10710

# Index to Administrative Record File
## Van Der Horst Site
## Los Angeles, California

1. Los Angeles County Department of Health Services
   Author: Marty Kasman, Hazardous Materials Specialist
   Date: May 11, 1989
   Subject: Interview of Marshall Wilkinson, representative of Van Der Horst property owners

2. Los Angeles County Department of Health Services
   Author: Marty Kasman, Hazardous Materials Specialist
   Date: December 14, 1989
   Subject: Briefing fact sheet following interviews with Marshall Wilkinson and Carolyn Booth, trustee of the Margaret F. Jones trust

3. Los Angeles County Department of Health Services
   Author: Marty Kasman, Hazardous Materials Specialist
   Date: December 15, 1989
   Subject: Interview of Carolyn Booth

4. Los Angeles County Department of Health Services
   Author: Marty Kasman, Hazardous Materials Specialist
   Date: January 29, 1990
   Subject: On-site inspection of Van Der Horst Plating facility

5. Los Angeles County Department of Health Services
   Author: Marty Kasman, Hazardous Materials Specialist
   Date: January 31, 1990
   Subject: Sample summary at Van Der Horst facility

6. U.S. Environmental Protection Agency
   Author: Robert Bornstein, Federal On-Scene-Coordinator
   Date: November 8, 1991
   Subject: Letter to Marshall Wilkinson requesting access to Van Der Horst site

7. Curtis and Tompkins Analytical Laboratories
   Addressee: Ecology and Environment
   Date: November 19, 1991
   Subject: Analysis of three solid samples and one waste sample